

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

April 3, 2007
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police Chaplain Carlos Flores
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. NATIONAL COMMUNITY COLLEGE MONTH**
- 2. CHILD ABUSE PREVENTION AND AWARENESS MONTH**
- 3. NATIONAL CRIME VICTIMS RIGHT**
- 4. PLAZA STARKEEPER'S MONTH**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA**1. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of March 27, 2007, and the Special City Council Meeting of March 26, 2007 (Thunder Canyon Ordinance Introduction). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

3A. That the City of El Paso is in support of bringing a Veterans' Hospital to this great City. [Representative Eddie Holguin, Jr., (915) 541-4178]

3B. That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sahara Air, LLC ("Assignor"), and ATI Jet, Inc. ("Assignee") for the following described property: Lot 12 and 13, Block 4, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, municipally known and numbered as 7007 Boeing, El Paso, Texas. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3C. That the City of El Paso adopt the green fee rate structure and promotional rate policies for the Butterfield Trail Golf Club as recommended by Butterfield Trail Golf Club's manager, Kemper Sports Management, Inc. **(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]

3D. That the City Manager be authorized to sign a Contract between the City of El Paso and La Posada Home, Inc. to grant Supportive Housing Program (SHP) funds awarded to the City by the Department of Housing and Urban Development in the amount of \$53,545 to La Posada Home, Inc. to operate the Transitional Living Center located at 1926-1930 Bassett Avenue for the term of April 1, 2007, to March 31, 2008, a one-year period. **(All Districts)** [Community and Human Development, Tom Serrano, (915) 541-4642]

3E. That the City Council (1) approve a Community Housing Development Organization (CHDO) New Housing Construction application and HOME Grant funding in the amount of \$595,965.00 for the construction of an eight unit apartment building at 4421 Lawrence Avenue as recommended by the Director of Community and Human Development, and that City Council (2) authorize the

City Manager to sign all appropriate closing documents necessary to secure the City's loans. **(District 2)**

[Community and Human Development, Jaime Herrera, (915) 541-4340]

- 3F.** A Resolution to terminate for convenience the Annexation Study contract dated March 28, 2006, with Wilbur Smith Associates. **(All Districts)**
[Development Services/Planning, Kelly Carpenter, (915) 541-4193]
- 3G.** Resolution authorizing the City Manager to sign the 2006 Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) in the amount of \$811,282.24 for the purpose of continuing efforts to prevent, prepare, respond, and recover from events involving all hazards in the City and County of El Paso. The City Manager or designee is also authorized to sign any related paperwork, including all understandings and assurances contained therein; to apply for, accept, reject, alter, or terminate the grant; authorize budget transfers; submit any necessary revisions to the operational plan; execute on behalf of the City of El Paso any grant amendments or corrections to the initial Grant Agreement which increase, decrease, or de-obligate program funds, provided that no additional City funds are required, or which decrease the amount of matching funds; to request and accept an extension of the award ending date for the grant; and that grant officials be as designated in the agreement. **(All Districts)**
[Fire/Emergency Management, Don Berger, (915) 771-1010]
- 3H.** Resolution authorizing the City Manager to sign the 2004 SHSP Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) in the amount of \$24,104.73. **(All Districts)** [Fire/Emergency Management, Don Berger, (915) 771-1010]
- 3I.** Resolution authorizing the City Manager to sign the 2004 LETPP Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) in the amount of \$3,496.34. **(All Districts)** [Fire/Emergency Management, Don Berger, (915) 771-1010]
- 3J.** That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Construction Inspector Trainee is hereby created as specified in the duties and responsibilities attached hereto. The Code is 17290. The Grade is GS 45. Salary Range: \$22,329.23 - \$33,129.75 (GS 45). Fund Source: 36010117-01101-36000. **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]
- 3K.** That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Fleet Maintenance Technician Trainee is hereby created as specified in the duties and responsibilities attached hereto. The Code is 18140. The Grade is GS 45. Salary Range: \$22,329.23 - \$33,129.75 (GS 45). Fund Source: 37370155-01101-37000. **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]
- 3L.** That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Jose B. Aguirre to employ Jose B. Aguirre as an Information Systems Manager for the Information Technology Department at a biweekly rate of \$2,931.53. The term of the contract shall be for the period of April 10, 2007, through April 9, 2008. Funding Source: 39010351-501011-01101. **(All Districts)** [Information Technology, Gerald Gordier, (915) 541-4288]

4. **REINSTATEMENT:** Request for name to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

Sanchez, Jose – Electronic Technician
[Streets Department, Daryl Cole, (915) 621-6757]

5. **BOARD APPOINTMENTS:**

5A. Alan F. Jones to the Ethics Review Commission by Representative Presi Ortega, Jr. [Representative Presi Ortega, Jr., (915) 541-4701]

5B. Lynn Fitzgerald to the Public Utility Regulation Board by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

5C. Valente F. Saenz to the El Paso Mountain Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

6. **DISCRETIONARY FUNDS:**

Request authorization to expend District 7 discretionary funds, Council Special Projects, Department ID No. 01010007, Account No. 504420, Fund No. 01101, in an amount not to exceed \$7,500.00, to be used for a marquee, a building sign, and a display case in conjunction with the name change of the Lower Valley Branch Library to Judge Edward S. Marquez Mission Valley Branch Library. [Representative Steve Ortega, Jr., (915) 541-4124]

7. **APPLICATIONS FOR TAX REFUND:**

That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment A). [Tax Office, Juan Sandoval, (915) 541-4369]

8. **BEST VALUE PROCUREMENT:**

The award of Solicitation No. 2007-080 (Breath Alcohol Testing Program Facility) to CPME, L.L.C. for a total estimated amount of \$303,488.85.

| | |
|------------------|-------------------------------|
| Department: | Police |
| Award to: | CPME, L.L.C. |
| | El Paso, Texas |
| Base Bid | \$303,488.85 (estimated) |
| Account No. | 21150060-P500232-16411-508027 |
| Funding Source: | EPPD Confiscated Funds |
| District: | 4 |

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer or Interim City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design

which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a best value, unit-price contract.

The Departments of Financial Services, Engineering, and Police recommend award to the bidder offering the best value bid.

[Engineering, R. Alan Shubert, (915) 541-4557]

9. BID:

The award of Solicitation No. 2007-100 (Thermoplastic Transport Trailer with Premelter and Handliner) to Advanced Striping Equipment, Inc. for a total estimated award of \$47,117.00.

| | |
|------------------------|--|
| Department: | Street |
| Award to: | Advanced Striping Equipment, Inc. Douglasville, GA |
| Items: | 1 and 2 |
| Option: | Vendor offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. |
| Account No.: | 508027 – 27263 – 99331117 - PCP06ST019 |
| Funding Source: | Construction (CWIP), Lane Markings CP06, FY 2006 GO'S |
| Total Estimated Award: | \$47,117.00 |
| Districts: | All |

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services and Street Department recommend award as indicated to the lowest responsive, responsible bidder.

[Financial Services, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

10A. An Ordinance closing hearing, finding the proposed improvements are advisable, and levying assessments for the cost of certain improvements to be provided in the El Paso Public Improvement District No. 1 (Thunder Canyon); fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date. **(District 1)** [City Attorney's Office, Terri Cullen-Garney, (915) 541-4550]

10B. An Ordinance granting a Special Privilege to Shadow Lounge, 1914 Lounge, and Vanilla Bar to temporarily close a portion of Western Court between Durango Street and Anthony Street for various street events on the following dates:

April 20, 2007; May 5, 2007; May 12, 2007; September 16, 2007; October 6, 2007; November 21, 2007; December 15, 2007, and December 31, 2007. (Fee: \$400.00, SPL07-00002). **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 10C.** An Ordinance authorizing the City Manager to sign a Lease Agreement on behalf of the City of El Paso with Chico's Tacos, Inc. to allow the use of a portion of the northwest corner of Washington Park and a 367-square-foot portion adjacent to the alley between Pera Street and Washington Park for parking and for vehicular and pedestrian traffic. **(District 3)**
[Financial Services, Gonzalo Cedillos, (915) 541-4074]

PUBLIC HEARING WILL BE HELD ON APRIL 17, 2007, FOR ITEMS 10A – 10C

- 10D.** An Ordinance changing the zoning of all of C.R. Morehead Survey No. 16 and a portion of Hill Terrace Addition, El Paso, El Paso County, Texas, from R-4 (Residential) to A-3 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Radford Street and North of Nashville Avenue. Applicant: Victoria & Rosalie Hamrah. ZON06-00063 **(District 2) THIS IS AN APPEAL CASE.**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 10E.** An Ordinance changing the zoning of Tract 7A, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Dyer Street, South of Ashley Road. Applicant: Newman Ranch Partners, LP. ZON07-00002 **(District 4)**
[Development Services/Planning, Arlan Greer, (915) 541-4322]
- 10F.** An Ordinance granting special permit No. ZON06-00128 to allow for a planned residential development on a portion of Tracts 2R1, 2R3, and 2A10B, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00128 **(District 7)**
[Development Services/Planning, Arlan Greer, (915) 541-4322]
- 10G.** An Ordinance granting Special Permit No. ZON07-00001 to satisfy parking requirements for Parcel 1, described as Lot 20, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2224 Yandell Drive); by allowing off-site off-street parking on Parcel 2, described as a portion of Lots 9 and 11 and all of Lot 10, Block 16, Cotton Addition, City of El Paso, El Paso County, Texas, (2219 Yandell Drive); Parcel 3, described as the south portions of Lots 21-24, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2216 Yandell Drive), and Parcel 4, described as Lots 26-32, and a portion of Lot 25, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2212 Yandell Drive), pursuant to Section 20.42.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 2224 Yandell Drive. Applicant: Socorro Moreno. ZON07-00001 **(District 8)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON APRIL 24, 2007, FOR ITEMS 10D – 10G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

11. PUBLIC HEARING – DEVELOPMENT SERVICES

Public Hearing on the Proposed Improvements and Proposed Assessment Roll for the El Paso Public Improvement District No. 1 (Thunder Canyon). **(District 1)**
[Development Services, Chuck Kooshian, (915) 541-4632]

12. PUBLIC HEARING – ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040, Schedule IV (Parking Prohibited during Certain Hours on Certain Streets), Paragraph H (No Parking 7:00 a.m. to 5:00 p.m.) of the El Paso City Code to delete Subparagraph 2 of Paragraph H. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District 1)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

13. PUBLIC HEARING – MAYOR AND COUNCIL:

An Ordinance limiting the use of the Power of Eminent Domain on non-blighted private property in the redevelopment districts of the Downtown 2015 Plan. **(District 8)**
[Representative Melina Castro, (915) 541-4400] **POSTPONED FROM 03-27-07**

REGULAR AGENDA – OTHER BUSINESS

14. MAYOR AND COUNCIL:

14A. Discussion and action regarding the request for installation of speed humps on Clark Street. [Representative Jose Alexandro Lozano, (915) 541-4515]

14B. Discussion and action to instruct the City Manager to immediately, in an effort to preserve the health, safety, and welfare of residents of Northeast El Paso and others who may utilize city roadways in Northeast El Paso, take whatever remedial steps are required to return the traffic flows on Rushing Street to the normal operational capacity consistent with their original design. Recent changes to this street have placed the public at risk by altering the traffic flows in a manner that is inconsistent with the vehicular traffic demands and such changes must be removed in a timely, safe, and efficient manner. **District 4**
[Representative Melina Castro, (915) 541-4400]

15. FINANCIAL SERVICES

Request that the Purchasing Manager for Financial Services Department be authorized to exercise the City's option to extend Contract 2005-129 (Ground Maintenance for the

City of El Paso Parks – Mowing) which was awarded on April 12, 2005, to the vendors listed below, for two additional years from May 1, 2008, through April 30, 2010.

| | |
|------------------------|---|
| Department: | Parks and Recreation |
| Award to: | Martinez Irrigation and Landscapes, Inc. - \$286,629.00 (Annual) |
| | Ledesma's - \$95,739.15 (Annual) |
| | EPDS – \$34,678.20 (Annual) |
| Account No.: | 51010262 – 01101 - 502221 |
| Funding Source: | Land Management General Fund, Groundskeeping and Horticultural Contracts |
| Annual Total: | \$417,046.35 |
| Total Estimated Award: | \$834,092.70 |
| Districts: | All |

16. CITY MANAGER:

City Manager's report of current events and issues:

- 16A.** Discussion and action on issues related to Storm 2006.
[Development Services, R. Alan Shubert, (915) 541-4557]
- 16B.** Discussion and action on the lease agreement between the City of El Paso and the El Paso Science Museum – Insights.
- 16C.** Overview and discussion of the *Downtown 2015 Plan* and the public sector near-term implementation strategies.
[Economic Development, Kathryn B. Dodson, (915) 541-4872]
- 16D.** Discussion and action on a Resolution authorizing the City Manager to sign an Agreement between the City of El Paso and Marcus Jahns providing for the development of an Implementation Strategy that supports recommendations of the *Downtown 2015 Plan* and the Recommended Project and Financing Plan of the Tax Increment Reinvestment Zone for the area in an amount not to exceed one hundred seventy-five thousand and 00/100 dollars (\$175,000.00) to offset the costs of the development of the Implementation Strategy and that the City Manager be authorized to sign any related documents which might be necessary to accomplish such purpose. Funding Source: 99010273-504405.
(All Districts) [Development & Infrastructure Services, Patricia D. Adaudo, (915) 541-4853]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

| | |
|-----------------|--------------------------------------|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |

| | |
|-----------------|--|
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |
| Section 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |

Discussion and action on the following:

- EX1.** Discussion and action on the lease agreement between the City of El Paso and the El Paso Science Museum - Insights. (551.071) and (551.072).
[City Attorney's Office, Theresa Cullen-Garney, (915) 541-4550] POSTPONED FROM 03-27-07
- EX2.** Discussion and action regarding Delta Air Lines, Inc., et. al., Chapter 11 Bankruptcy Proceeding. (551.071). [City Attorney's Office, Raymond Telles, (915) 541-4550]
- EX3.** Discussion and action regarding Northwest Airlines, Corporation, et. al., Chapter 11 Bankruptcy Proceeding. (551.071). [City Attorney's Office, Raymond Telles, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>